



# Public Notice

**Applicant:**  
Forbes Homes, Inc.

**Date:**  
Published: September 15, 2004  
Expires: October 4, 2004

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE: 2004-00131(1)** **Section: NY 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Forbes Homes Incorporated, 2635 Millersport Highway, Getzeville, New York proposes to place fill into Federal jurisdiction wetlands in order to construct a residential housing subdivision to be known as the "Columbia Gardens Subdivision". The 20.97 acre parcel is located on Columbia Avenue, in the Village of Depew and the Town of Lancaster, Erie County, New York.

The project consists of the following:

- a. Approximately 0.85 acre of Federal jurisdiction wetlands and 0.13 acre (400 linear feet) of a tributary to Scajaquada Creek will be filled in for the construction of the 20.97 acre proposed residential subdivision. The wetland impacts occur within two depressional scrub/shrub successional forested wetlands and one linear wetland.
- b. As mitigation for unavoidable impacts to wetlands on the project area, the applicant proposes to construct approximately 2.0 acres of mixed wetlands containing areas of wet meadow, scrub, shrub and emergent marsh habitat.
- c. Two basins will be constructed for the mitigation area on an adjacent property. The basins will be excavated around existing drainages which flow from the site. Basin 1 will utilize an existing outflow from an adjacent/existing stormwater basin located off-site to the north. Basin 2 will utilize the Scajaquada Creek tributary. Maximum depths of the constructed basins will not exceed 2.5 feet below the specified basin elevations. The constructed wetlands will incorporate an irregularly shaped boundary/margin sloping gradually to incorporate a wet meadow, shrub, scrub and emergent habitat.
- d. The applicants' stated purpose for not avoiding or minimizing impacts is due to the required road layout, the storm detention basin and facilities required by the Village of Depew and Town of Lancaster, and the existing features of the site and the surrounding subdivisions.

The applicants stated purpose is to construct a residential subdivision, to be known as "Columbia Gardens Subdivision."

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Vincent D. Pero, who can be contacted by calling (716) 879-4337, or by e-mail at: [vincent.d.pero@usace.army.mil](mailto:vincent.d.pero@usace.army.mil)

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Vincent D. Pero, or by e-mail at: [vincent.d.pero@usace.army.mil](mailto:vincent.d.pero@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

# SIGNED

Thomas C. Switala  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 20 days from the date of issuance.

COLUMBIA AVENUE PARCEL  
D/A Processing No. 2004-00131(1)  
Erie County, New York Quad: LANCASTER  
Sheet 1 of 6

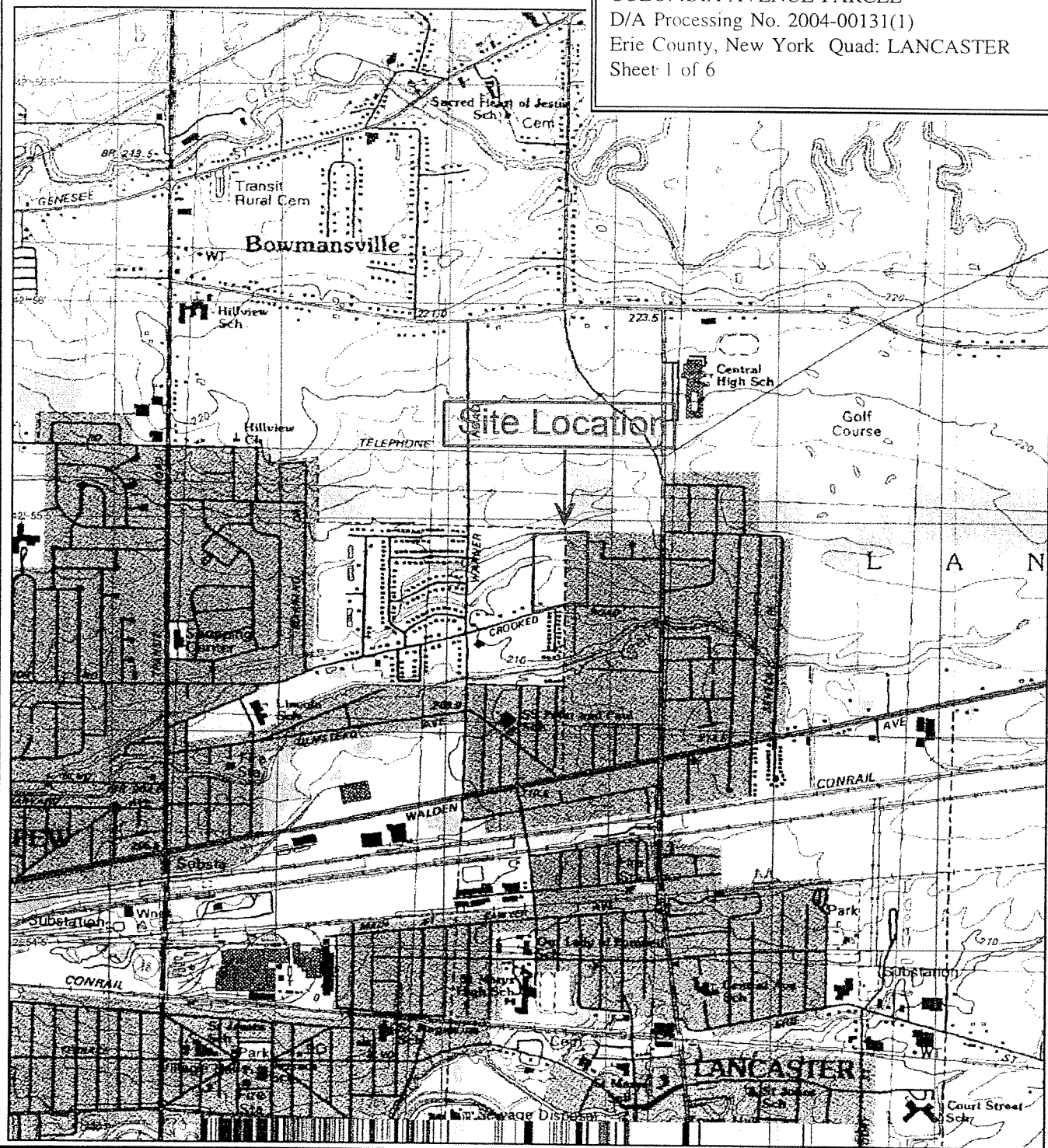


Figure 1.  
USGS Quadrangle Map

Lancaster, NY Quadrangle  
Scale 1:24000



Columbia Gardens Subdivision  
Forbes Homes, Inc

Village of Depew  
Town of Lancaster,  
Erie County, NY

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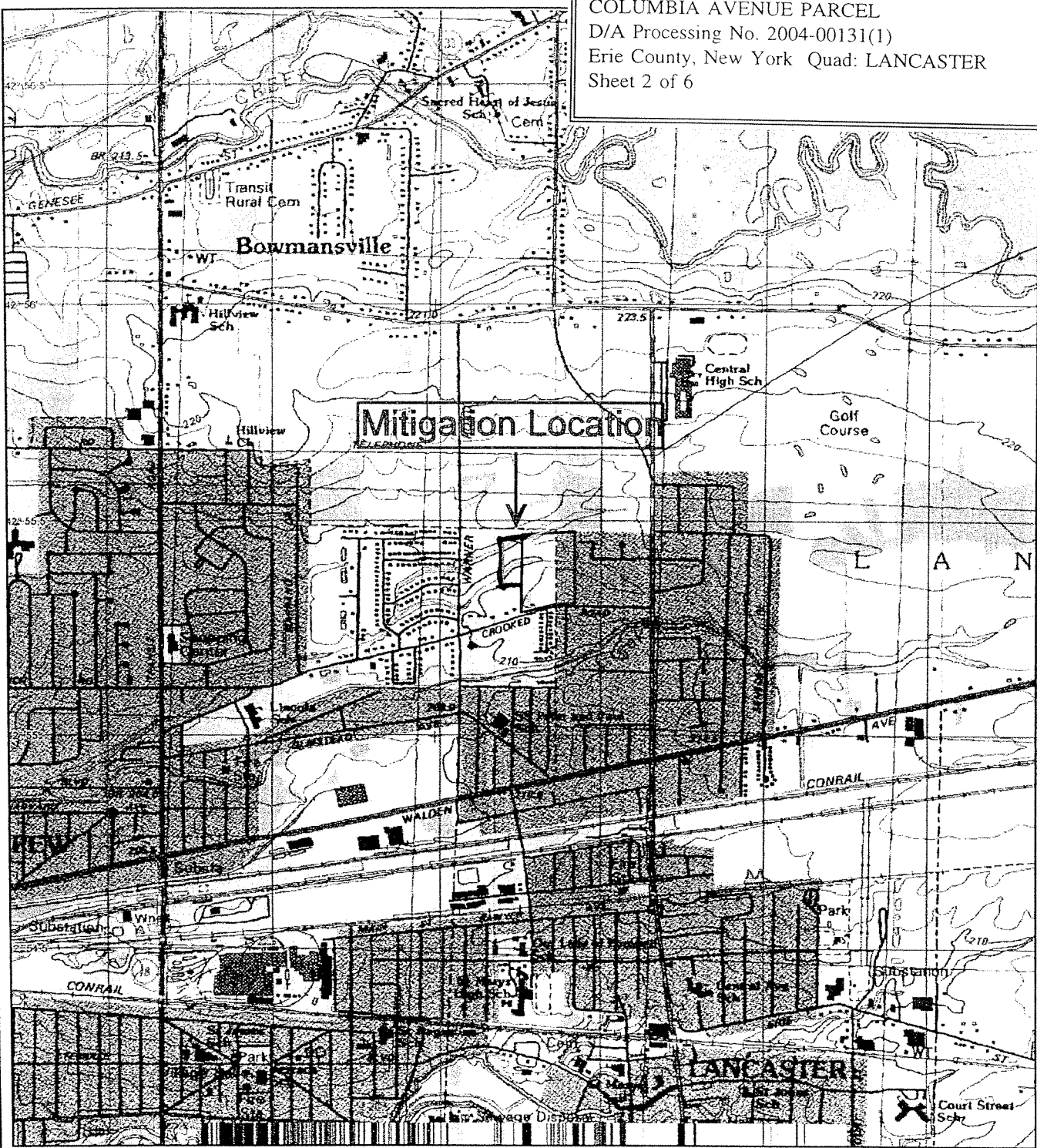


Figure 2.  
USGS Quadrangle Map

Lancaster, NY Quadrangle  
Scale 1:24000



Columbia Gardens Subdivision  
Mitigation Location

Village of Depew  
Town of Lancaster,  
Erie County, NY

KENNEDY HIGHWAY COURT

Wetland D - 0.13± Acre

Wetland E - 0.15± Acre

Wetland F - 0.57± Acre

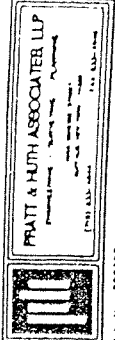
Wetlands D, E, F  
Adjacent or Contiguous w/ Tributary  
Regulated under Section 404

Tributary to Schojaquada Creek

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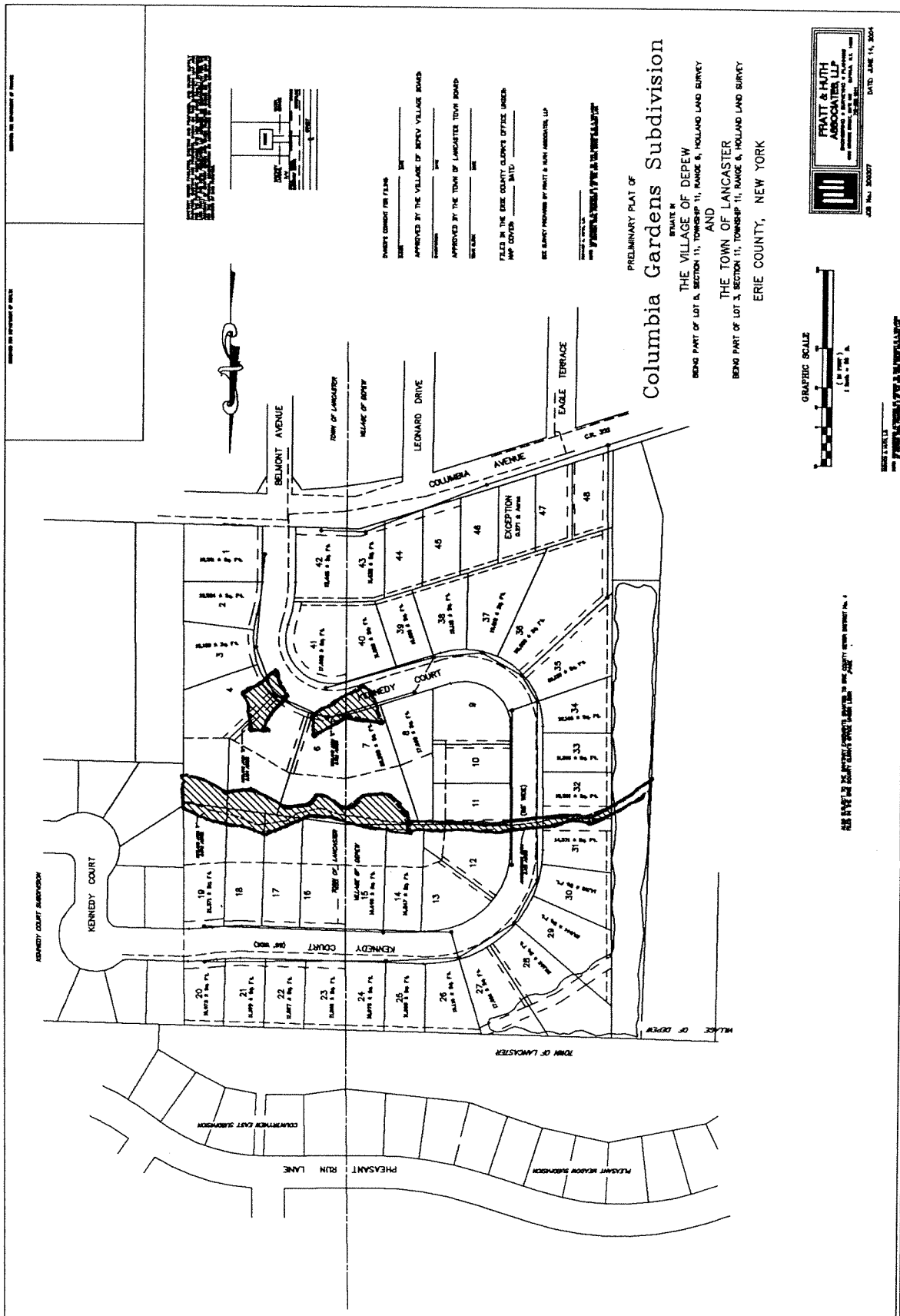
Existing WETLANDS

SUMMARY OF  
PART OF LOT 3, SECTION 11, TOWNSHIP 11, RANGE 8  
VILLAGE OF DEER  
PART OF LOT 1, SECTION 11, TOWNSHIP 11, RANGE 8  
TOWN OF LANCASTER  
HOLLAND LAND SURVEY  
ERIE COUNTY, NEW YORK



Job No. 200307 Date: AUGUST 25, 2003

As shown on this map, all wetlands are regulated under Section 404 of the Clean Water Act. Wetlands are shown in blue. Wetlands are shown in blue. Wetlands are shown in blue.



*Proposed SITE Plan*

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 Sheet 4 of 6







CONSTRUCTION NOTES:

1. ALL EXCAVATED AREAS TO BE OVER EXCAVATED BY 8" TO BE REPLACED WITH TOPSOIL.
2. FINAL GRADES SHALL BE IRREGULAR AS DIRECTED BY WETLANDS CONSULTANT.
3. UPLAND HABITAT AREAS TO MATCH DESIGN GRADE ELEVATION.
4. SEEDING TO BE DONE IN ACCORDANCE WITH SHEET 1 - PLAN VIEW CONSTRUCTION DRAWINGS.
5. ALL APPROPRIATE EROSION CONTROL METHODS TO BE APPLIED DURING CONSTRUCTION.
6. SIDE SLOPES OF CONNECTING SWALES SHALL BE NO STEEPER THAN 5:1. OTHER SLOPES SHALL APPROACH 8:1.
7. AREAS OF PLANTING IN CLUMPS (GROUPS) IN ACCORDANCE WITH DESIGN PLAN AS SHOWN ON SHEET 1 OF 2 WETLAND MITIGATION PLAN VIEW AND IN COORDINATION WITH WETLANDS CONSULTANT.

# A - A CROSS-SECTION

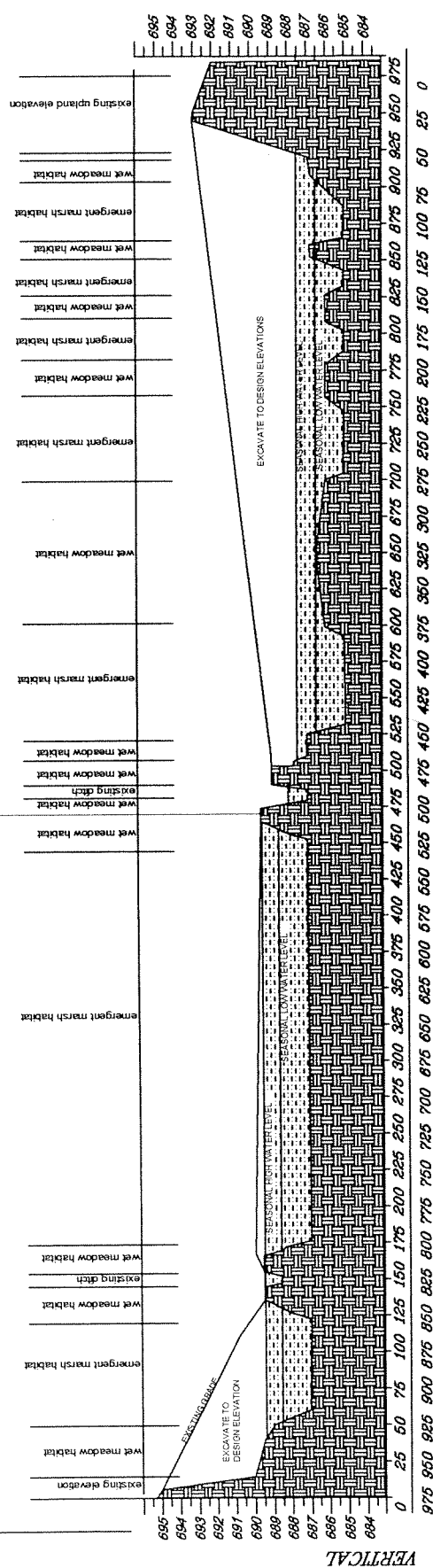
BASIN 1 - ELEVATION 690.0'

BASIN 2 - ELEVATION 688.0'

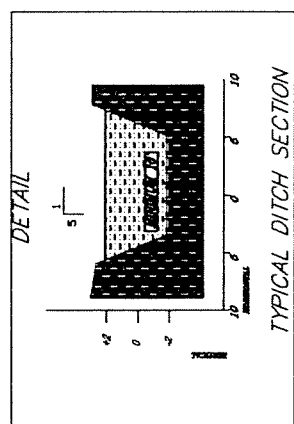
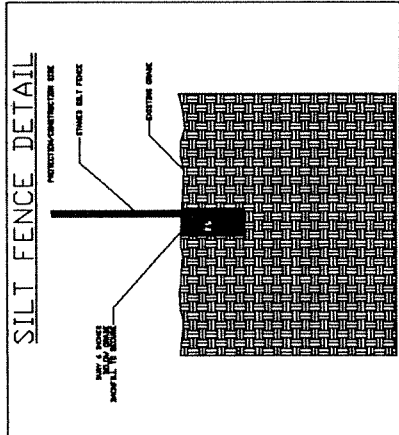
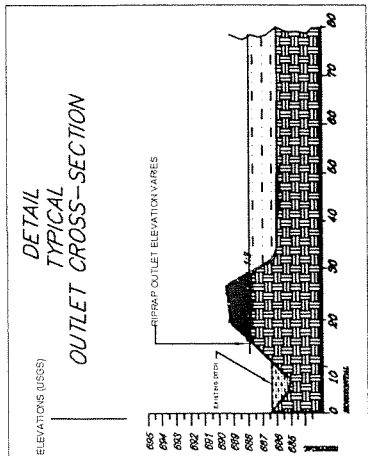
WET MEADOW 689.0' - 688.0'  
SHALLOW WATER EMERGENT 688.0' - 687.0'

WET MEADOW 687.0' - 686.0'  
SHALLOW WATER EMERGENT 686.0' - 685.0'

ELEVATIONS (USGS)



## HORIZONTAL



COLUMBIA GARDENS SUBDIVISION

COLUMBIA AVENUE

WETLAND CREATION PLAN

VILLAGE OF DEPEW, TOWN OF LANCASTER

ERIE COUNTY, NEW YORK

Wilson Environmental Technologies, Inc.  
2805 Wehrle Drive, Suite 2, Williamsville, NY 14221  
(716) 565-3000 Fax (716) 565-9994

JOB NO. 308.028.1 AUGUST 7, 2004 DWG SHEET 2 OF 2

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